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Our ref: KON-1821 Client's ref: P6215-001-0000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: H. KASHIWAGI et al: Art Unit: 1752

Appln. No. : 10/657,661 :

Filed : September 9, 2003 : Examiner: T. Chea

Title : SILVER SALT PHOTOTHERMOGRAPHIC DRY IMAGING MATERIAL :

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DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S i r:

I, Soc Man Ho Kimura, hereby declare and say as follows:

1. I am one of the named Inventors in the instant Application.

2. I received a Doctorate Degree in Chemistry from the Tokyo University of Agriculture and Technology in March 2000. Since April of 1991, I have been employed by Konica Corporation, the Assignee of the above-identified Application. During my tenure at Konica, I have been engaged in the research and development of photographic materials.

3. It has been brought to my attention that the Examiner has applied Arai (U.S. Patent No. 6,090,538) against the claims. I have read Arai and am of the opinion that Arai is different from the claimed material because Arai does not teach forming a silver halide grain with an electron trapping dopant inside the grains. In order to demonstrate the difference between Arai's material and that of the present Invention, I have prepared a material in accordance with Arai and tested the material to demonstrate the difference between Arai's material and the present Invention. These tests were performed by myself or under my direct supervision and control.

4. I note that the Examiner cited Example 3 of Arai, thus, I have followed Example 3 to prepare silver halide grain B as recited in Arai at Column 53, lines 61 - Column 54, line 16. The dopant employed, as taught in Arai, is 4-hydroxy-6-methyl-1,3,3a,7-tetrazaindene. I note that, in the preparation process, this dopant is added a time after nuclear formation and after grain growth. Thus, the dopant is located on the outside of the silver halide grains. I used a hydrazine derivative R-1-5 when making the light sensitive layer B. I note that Compound R-I-5 in Table 1 of Arai overlaps Formula (1) of the present Invention. Thus, I chose this hydrazine Compound when making the light-sensitive layer B of Example 3 of Arai. Otherwise, I followed Example 3 of Arai to make a photothermographic material. I labeled this material Sample R105.

5. Sample R105 was evaluated for the ratio SB/SA, storage stability and image lasting quality in accordance with the method described on pages 94-97 of this Application. The evaluation results are recited in Table 6 attached hereto.

6. As can be seen in Table 6, the SB/SA value is outside the claimed range.

7. It is declared by undersigned that all statements made herein of undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under ~~section 1001 of Title 18 of the U.S. Code; and that such~~ willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

Soc Man Ho Kimura

Soc Man Ho Kimura

Dated: This 7th day of July, 2006.

Enclosed: Table 6

DCL/mr

Table 8

Sample No.	Silver Aliphatic Carboxylate				Photographic Characteristic	Storage Stability	Image Lasting Quality	Remarks
	Compound (1) *1	Silver Halide Emulsion (*2)	Melting Point *3 (°C)	Behenic Acid (mol %)	SB/SA	Dmin1	Dmin2	
R105	R-1-5	No	81	100	0.29	143	146	Comp.

*1 Compound of formula (1) of the present invention
*2 Chemical sensitization
*3 Melting point of aliphatic carboxylic acid